FARAD CONSTITUTION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE,
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.797/2006

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's orders.	Court's or Judge's Orders

(Shri L.H. Kothari, Adv. for petitioner)
(Smt. N.S. Jog, A.G.P. for respdt. Nos.1 to 3)
(Shri S.P. Palshikar, Adv. for respdt. No.4)

CORAM:- D.D. SINHA &
A.B. CHAUDHARI, JJ.
DATED :- 25.01.2007.

Heard learned Counsel for petitioner, learned A.G.P. for state and learned Counsel for respondent No.4.

Learned Counsel for the petitioner states that the grievance of the petitioner in the present writ petition is in respect of the order of transfer issued by the competent authority, whereby permission to shift the liquor shop (Country) from Bhojala to Pusad, belonging to respondent No.4, was granted.

Learned Counsel for the petitioner contended that the shop located at the transfered place is close to the bus-stand and comes within the prohibited distance, as per rules applicable in this regard, and therefore, the order permitting to shift the liquor shop from Bhojala to Pusad is inconsistent

with the relevant rules and is not sustainable in law.

The learned A.G.P. for State on the other hand submitted that the order of shifting of liquor shop is consistent with the relevant procedure and rules, applicable in this regard and is therefore sustainable in law.

Learned Counsel for respondent No.4 has supported the order of transfer.

In the present writ petition, the petitioner has not challenged the order passed by the competent authority, whereby permission to shift/transfer the liquor shop from Bhojala to Pusad was granted, and in absence thereof, on this short ground, writ petition needs to be dismissed. However, we have considered the contentions even on merits and found that the order granting shifting of liquor shop appears to be just and proper. In the circumstances, writ petition suffers from lack of merit. The same is dismissed.

JUDGE **JUDGE**

ssw